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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,102	10/06/2003	Teiji Yamamoto	KOM-157INO	4402

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EXAMINER

STORMER, RUSSELL D

ART UNIT PAPER NUMBER

3617

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,102

Applicant(s)

YAMAMOTO ET AL.

Examiner

Russell D. Stormer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 5, 6/2, 6/5, 7/2, 7/5, 8/7/2, 8/7/5 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6/1, 6/3, 6/4, 7/1, 7/3, 7/4, 8/7/1, 8/7/3/1, 8/7/4/1, 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. Claims 1 and 6/1 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Egle et al.

The roller pieces 136 are press-fit to the support shaft. The intermediate portion at 130 is the parting section.

2. Claims 1, 3, 4, 6/1, 6/3, and 6/4 are rejected under 35 U.S.C. 102(b) as being anticipated by Dorris.

The engagement of the rollers with the stepped engagement part 24 prevents the rollers from coming off the shaft 26.

The limitation of the assembly being formed by press fitting is a method limitation in a product claim and therefore is given no patentable weight.

With respect to claim 6, the ring 40 is the projection.

3. Claims 1, 3, 4, 6/1, 6/3, 6/4, 7/1, 7/3, 7/4, 8/7/1, 8/7/3/1, 8/7/4/1, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoon.

The manner in which the rollers (40 or 500) are assembled on the shaft (10 or 100) (such as by press-fitting) is given no patentable weight in the apparatus claim.

Note the stepped portions between the rollers as shown in figures 1 and 3, which are formed to be of equal size.

Allowable Subject Matter

4. Claims 2, 5, 6/2, 6/5, 7/2, 7/5, 8/7/2, and 8/7/5 are allowable over the prior art of record.

Response to Arguments

5. Applicant's arguments filed February 25, 2005 have been fully considered but they are not persuasive.

At the outset, it should be noted that the "parting section" and the "support shaft" are inferentially claimed, and thus not positively recited. Further, the "parting section" has not been positively defined and thus has no claimed structure. So to argue that a reference does not disclose something being formed at a parting section is not effective in defining over the art.

The phrase "formed integrally at a parting section by press fitting" appears to be contradictory.

The roller pieces 134 and 136 are formed integrally at a parting section (the raised section at 130). The roller pieces are press fit onto the hub. See lines 31-46 of column 8.

With respect to the use of Dorris, the method limitation of "press-fitting" the roller pieces onto the hub is given no patentable weight since the claims are not method claims. Product claims must be found allowable based on the structure of the article, not the manner by which it is made.

Contrary to Appellant's comments, the office action never states that any of the claims are product-by-process claims.

With respect to the rejection based on Yoon, the limitation of "press-fitting" is given no patentable weight for the same reasons in the rejection over Dorris.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/15/05


RUSSELL D. STORMER
PRIMARY EXAMINER 4/15/05